

July 9, 1998

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Federal Communications Commission
Office of Secretary

DOCKET FILE COPY ORIGINAL

Ms. Magalie R. Salas, Esq.
Secretary
Federal Communications Commission
Washington, DC 20554

Re: Comments and submission of additional requested information
Amendment of Section 73.202 (b)
Table of Allotments
FM Broadcast Stations
(Middlebury and Berlin, Vermont)
MM Docket No. 98-72, RM-9265
Dynamite Radio, Inc., WGTK (FM), Middlebury, Vermont

To: Chief, Allocations Branch (Mass Media Bureau)

Dear Ms. Salas:

Transmitted herewith, on behalf of Dynamite Radio, Inc., petitioner and licensee of FM broadcast station WGTK (FM), Middlebury, Vermont, are comments in support of the Proposed Rule Making as captioned above.

The Commission has requested that Dynamite provide additional information concerning the number of reception services which are available within both the loss and gain areas; and to supply an affidavit verifying that the statements contained in its Petition were accurate to the best of its knowledge, in accordance with Section 1.52 of the rules. That requested material is attached hereto.

If there are any additional questions, please feel free to contact the undersigned.

Sincerely,



Anthony A. Neri, President
Dynamite Radio, Inc.
WGTK (FM) Radio
74 Exchange Street
Middlebury, VT 05753

Phone: (802) 388-4101

No. of Copies Held 014
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Affidavit

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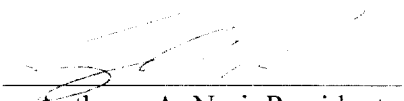
I, Anthony A. Neri, hereby depose and state the following is true and correct to the ~~Federal Communications Commission~~ ^{Office of Secretary}

best of my knowledge and belief, under penalty of Perjury:

I am President of Dynamite Radio, Inc., license of FM broadcast station WGTK (FM), Middlebury, Vermont and Petitioner in the instant matter. In accordance with Section 1.52 of the Commission's rules, I hereby reaffirm and verify that the statements and submissions made by Dynamite Radio, Inc., in its March 9, 1998 Petition for Rule Making, were both truthful and accurate, to the best of my knowledge and belief.

I hereby further affirm and verify that the information contained in the instant submission, attached hereto, is truthful and accurate to the best of my knowledge and belief, under penalty of perjury.

Further Affiant Sayeth Naught on this 7th day of July, 1998



Anthony A. Neri, President
Dynamite Radio, Inc.
WGTK (FM) Radio
74 Exchange Street
Middlebury, Vermont 05753
Phone: (802) 388-4101

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re

Amendment of Section 73.202 (b))
Table of Allotments) MM Docket No. 98-72
FM Broadcast Stations) RM-9265
(Middlebury and Berlin, Vermont))

To: Mass Media Bureau (Policy & Rules)

COMMENTS AND SUBMISSION IN SUPPORT OF PROPOSED RULE MAKING

Dynamite Radio, Inc. ("Dynamite"), licensee of FM broadcast station WGTK (FM), Middlebury, Vermont, by its President, respectfully comments in support of the Commission's Notice of Proposed Rule Making, DA 98-936, released May 22, 1998. Dynamite, the initiator of this proceeding, hereby incorporates by reference the showings made in its petition for rule making and submits the additional information requested by the Commission, attached hereto.


Dynamite restates its commitment to apply for channel 265C2 at Berlin, Vermont, upon the effectiveness of the amendment to the Commission's Table of Allotments and, when authorized, to construct the new station promptly.

Accordingly, the Commission should amend Section 73.202 (b) to allot Channel 265C2 to Berlin, Vermont, replacing the present allotment of Channel 265A at Middlebury, Vermont.

July 9, 1998

Respectfully Submitted,

Dynamite Radio, Inc.
WGTK (FM)
74 Exchange Street
Middlebury, Vermont 05753



Anthony A. Neri, President
Dynamite Radio, Inc.
WGTK (FM) Radio

ENGINEERING STATEMENT IN
SUPPORT OF COMMENTS

MM DOCKET 98-72

CHANNEL 265C2 - BERLIN, VT

Dynamite Radio, Inc.
Middlebury, VT

July 9, 1998

Prepared for: Mr. Anthony Neri
Dynamite Radio, Inc.
74 Exchange Street
Middlebury, VT 05753

CARL E. SMITH CONSULTING ENGINEERS

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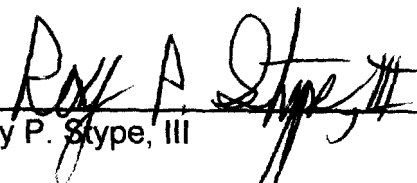
ENGINEERING AFFIDAVIT

Federal Communications Commission
Office of Secretary

State of Ohio)
) ss:
County of Summit)


Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Dynamite Radio, Inc., to prepare the attached "Engineering Statement in Support of Comments - MM Docket 98-72 - Channel 265C2 - Berlin, VT."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on **July 9, 1998**.



Notary Public

GAIL M. ELROD, Notary Public
Residence - Summit County
State Wide Jurisdiction, Ohio
My Commission Expires May 26, 2002

/SEAL/

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of Dynamite Radio, Inc., licensee of Radio Station WGTK - Middlebury, Vermont, and proponent of MM Docket 98-72, which proposes to substitute Channel 265C2 in Berlin, Vermont, for Channel 265A in Middlebury, Vermont, and modify the license of WGTK to specify operation on Channel 265C2 in Berlin. It supports comments in this proceeding and supplies additional information requested in the Notice of Proposed Rulemaking ("NPRM") in this proceeding.

Paragraph 3 of this NPRM requests the submission of additional data regarding the gain and loss areas associated with this proposal and the number of other full time aural services available to these gain and loss areas. Figure 1.0 is a map exhibit, extracted from the engineering statement prepared in support of the petition for rulemaking in this proceeding, depicting the present and proposed WGTK 1 mV/m contours, as well as the associated gain and loss areas. The proposed contour assumes operation with an effective radiated power of 50 kilowatts at 150 meters above average terrain utilizing the directional pattern specified in the original rulemaking petition to provide the required protection to short spaced Canadian facilities, while the present contour assumes operation with a nondirectional effective radiated power of 3 kilowatts at 100 meters above average terrain. Pursuant to FCC policy at the rulemaking stage, both of these contours were projected assuming uniform terrain. Table 1.0, which was also extracted from the engineering statement prepared in support of the petition for rulemaking in this proceeding, presents detailed data on the present

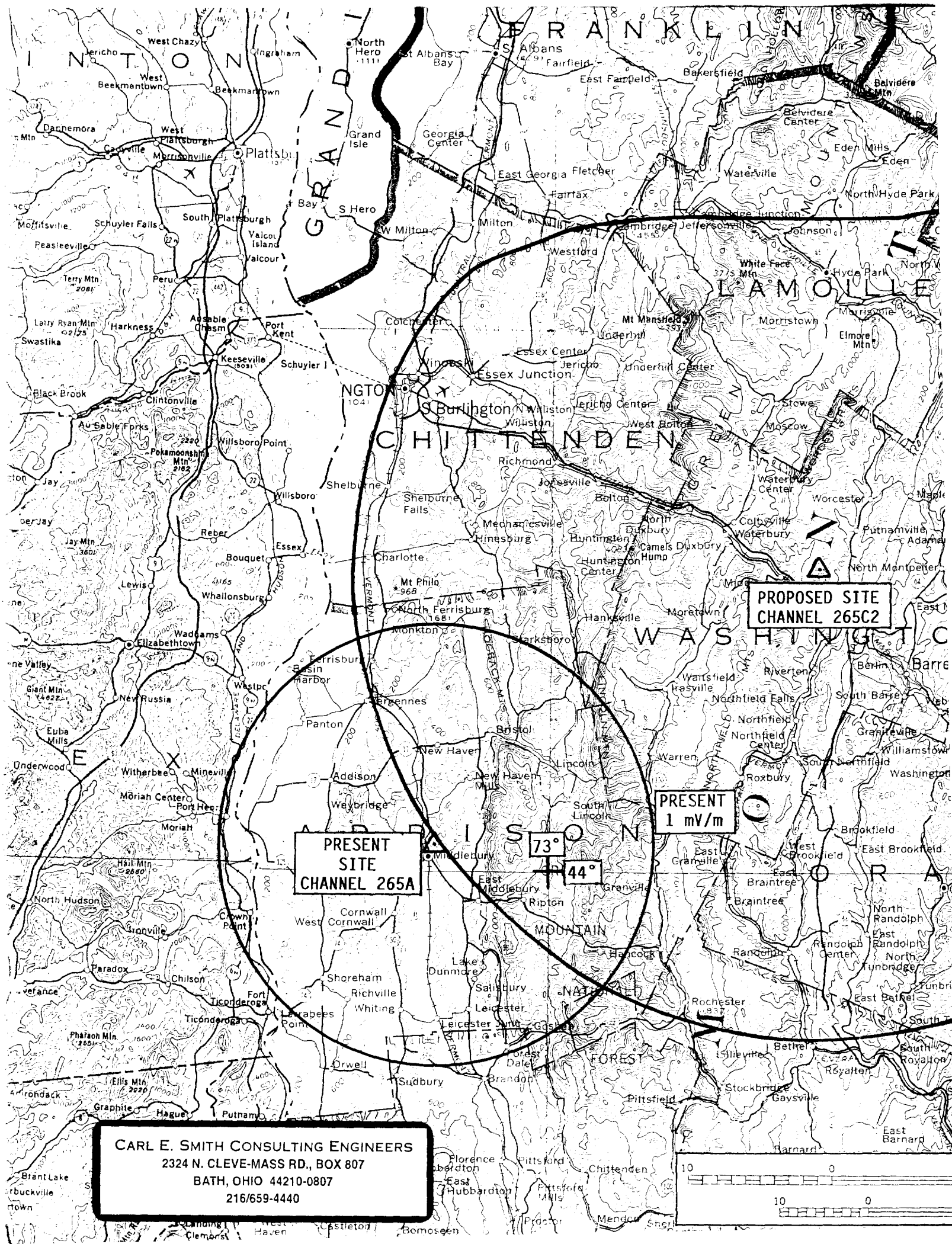
and proposed populations and areas, as well as the gain and loss areas. All population data presented in this table is based on the 1990 U. S. Census.

Studies were then conducted to identify all other stations which provide full time aural service to any portion of the gain or loss areas. For all FM stations, uniform terrain was assumed and all classes of stations were assumed to provide service to their 1 mV/m contour, pursuant to FCC policy. All commercial FM stations and non-commercial educational FM stations operating in the nonreserved band (except for Class D stations, which were not considered at all in these studies), with the exception of Class A and Class C stations, were assumed to be operating with the maximum facilities permitted for their class. Calculations for commercial Class C stations and all noncommercial educational FM stations operating in the reserved band, except Class D, were based on the stations' actual notified operating facilities. Class A stations were considered to be operating with the greater of their actual operating facilities or the former Class A maximum of 3 kilowatts effective radiated power at 100 meters above average terrain. All AM contours were projected utilizing the notified nighttime facilities for each station and conductivity data from FCC Figure M3. Class A AM stations were considered to provide service to their 0.5 mV/m groundwave contours, while all other AM stations were considered to provide service to their nighttime interference free contour, as defined by Section 73.182 of the FCC Rules. Class D AM stations operating at night with subminimum facilities were not considered in these studies, due to the fact that these stations operate on a secondary basis at night and are considered by the FCC to be daytime only stations, in spite of their limited nighttime facilities.

Table 1.1 is a tabulation of all stations which provide full time aural service to any portion of the WGTK gain area. Those stations listed with an asterisk provide full time

aural service to the entire gain area. These 55 stations result in a minimum of 5 other full time aural services to this entire gain area, with some portions of this gain area receiving as many as 14 other full time aural services. Table 1.2 is a tabulation of all stations which provide full time aural service to any portion of the WGTK loss area. Those stations listed with an asterisk provide full time aural service to the entire loss area. These 24 stations result in a minimum of 7 other full time aural services to this entire loss area, with some portions of this loss area receiving as many as 16 other full time aural services.

As shown by this data, the entire WGTK gain and loss areas are well served, receiving at least 5 other full time aural services. Thus, the small loss area associated with the modifications proposed in this proceeding should not be an impediment to the proposed upgrade of WGTK and the associated change of its community of license.

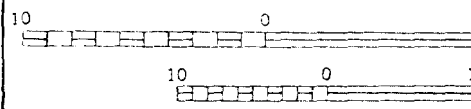


PROPOSED SITE
CHANNEL 265C2

PRESENT
SITE
CHANNEL 265A

PRESENT
1 mV/m

CARL E. SMITH CONSULTING ENGINEERS
2324 N. CLEVE-MASS RD., BOX 807
BATH, OHIO 44210-0807
216/659-4440



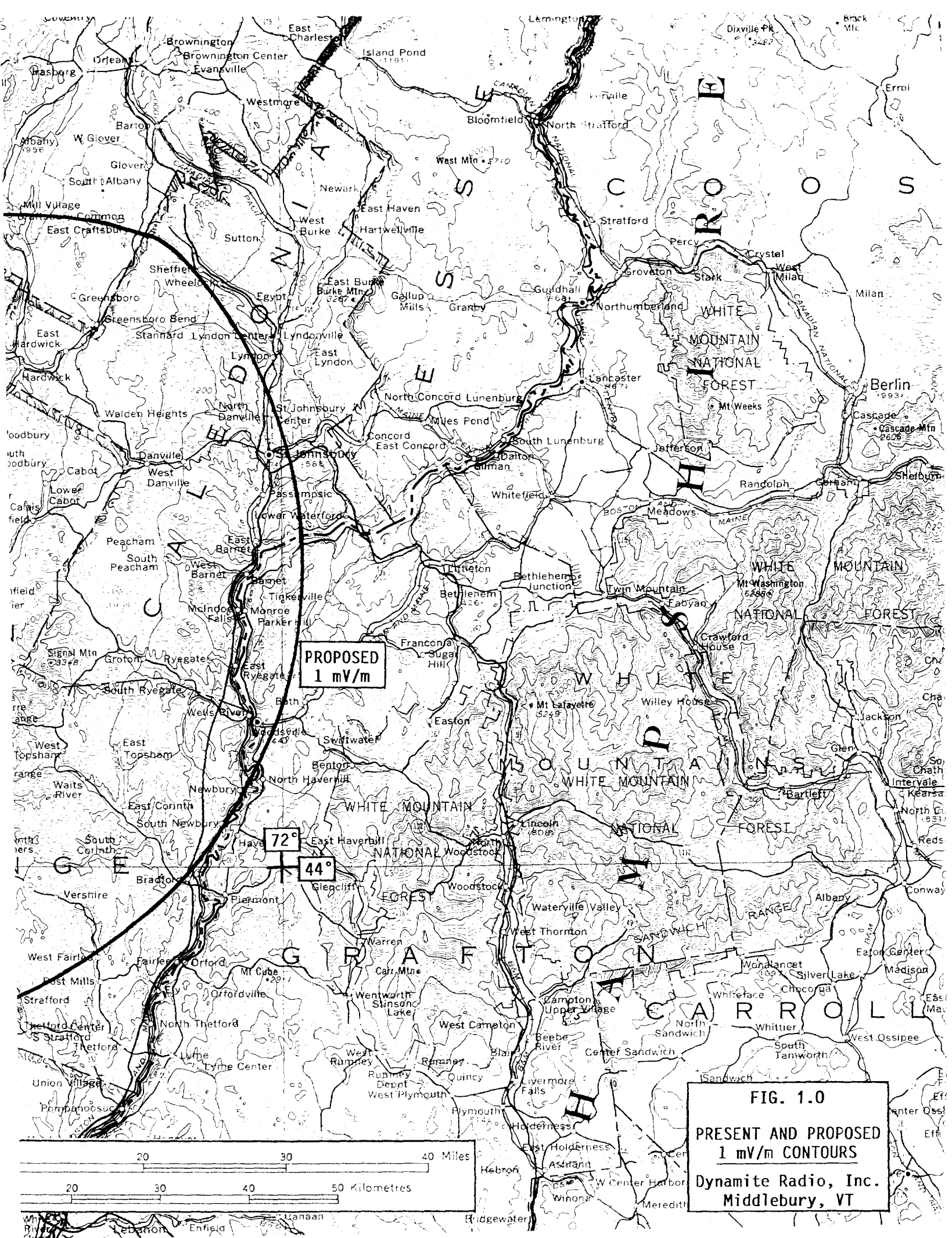


TABLE 1.0
PRESENT AND PROPOSED
AREA AND POPULATION
Dynamite Radio, Inc.
Middlebury, VT

	Area (<u>Square Kilometers</u>)	Population (<u>1990 Census</u>)
Present	1,843.4	31,711
Gain	7,062.4	199,320
Loss	1012.5	18,459
Proposed	7,893.3	212,572
Net Gain	6,049.9	180,861

TABLE 1.1

**STATIONS PROVIDING FULL TIME
SERVICE TO WGTK GAIN AREA**

Dynamite Radio, Inc.
Middlebury, VT

<u>Call</u>	<u>Frequency/ Channel</u>	<u>Location</u>
WDEV	550	Waterbury, VT
WVMT	620	Burlington, VT
WJOY	1230	Burlington, VT
WSKI	1240	Montpelier, VT
WSTJ	1340	St. Johnsbury, VT
WKDR	1390	Burlington, VT
WSNO	1450	Barre, VT
WWPV-FM	204A	Colchester, VT
WRVT	204C2	Rutland, VT
WVPR	208B	Windsor, VT
WCMD	210A	Barre, VT
WRUV	211A	Burlington, VT
WCKJ(CP)	213C3	St. Johnsbury, VT
WJSC-FM	214A	Johnson, VT
WVTC	214A	Randolph Center, VT
WGDR	216A	Plainfield, VT
WWLR	218A	Lyndon, VT
WCMK	219A	Bolton, VT
WMNM	221C3	Port Henry, NY
WGXL	222A	Hanover, NH
WEZF*	225C	Burlington, VT
WLVB	230A	Morrisville, VT

TABLE 1.1 (cont'd)

<u>Call</u>	<u>Frequency/ Channel</u>	<u>Location</u>
WJEN(Allot)	233C3	Rutland, VT
WHOM	235C	Mt. Washington, NH
WXXX	238C3	South Burlington, VT
WSHX	239A	Danville, VT
WDEV-FM	241A	Warren, VT
WLTN-FM	244A	Lisbon, NH
WXPS	244A	Vergennes, VT
WZRT	246C2	Rutland, VT
WGMT(CP-PTA)	249C3	Lyndon, VT
WJJR	251C2	Rutland, VT
WOKO	255C1	Burlington, VT
WXXK	263C3	Lebanon, NH
WYKR-FM	267A	Haverhill, NH
WCPV	267A	Essex, NY
WEXP(CP)	268A	Brandon, VT
WCVT	269A	Stowe, VT
WCVR-FM	271C3	Randolph, VT
WLFE	272A	St. Albans, VT
WMEX	273A	Westport, NY
WRJT	276A	Royalton, VT
WGLY-FM	277C3	Waterbury, VT
WPKQ	279C	Berlin, NH
WGLV	282C3	Hartford, VT
WNCS	284C2	Montpelier, VT
WKOL	286C3	Plattsburgh, NY
WEBK	287C2	Killington, VT

TABLE 1.1 (cont'd)

<u>Call</u>	<u>Frequency/ Channel</u>	<u>Location</u>
WKXH	288A	St. Johnsbury, VT
WHDQ	291B	Claremont, NH
WMTK	292A	Littleton, NH
WIZN	294C2	Vergennes, VT
WORK	296A	Barre, VT
WRUT(Allot)	298C3	West Rutland, VT
WVPS(CP)*	300C	Burlington, VT

Notes:

* - Indicates a station which provides full time service to the entire gain area.

The entire gain area receives a minimum of 5 other full time services, with some portions receiving up to 14 other full time services.

TABLE 1.2

STATIONS PROVIDING FULL TIME
SERVICE TO WGTK LOSS AREA

Dynamite Radio, Inc.
 Middlebury, VT

<u>Call</u>	<u>Frequency/ Channel</u>	<u>Location</u>
WFAD	1490	Middlebury, VT
WRVT	204C2	Rutland, VT
WRMC-FM	216A	Middlebury, VT
WMNM	221C3	Port Henry, NY
WEZF*	225C	Burlington, VT
WWFY(CP)	229A	Hague, NY
WJEN(Allot)	233C3	Rutland, VT
WXXX	238C3	South Burlington, VT
WDEV-FM	241A	Warren, VT
WXPS	244A	Vergennes, VT
WZRT	246C2	Rutland, VT
WJJR	251C2	Rutland, VT
WOKO*	255C1	Burlington, VT
WCPV	267A	Essex, NY
WEXP(CP)	268A	Brandon, VT
WCVR-FM	271C3	Randolph, VT
WMEX	273A	Westport, NY
WGLY-FM	277C3	Waterbury, VT
WANC	280A	Ticonderoga, NY
WNCS	284C2	Montpelier, VT
WEBK	287C2	Killington, VT
WIZN	294C2	Vergennes, VT
WRUT(Allot)	298C3	West Rutland, VT

TABLE 1.2 (cont'd)

<u>Call</u>	<u>Frequency/ Channel</u>	<u>Location</u>
WVPS(CP)*	300C	Burlington, VT

Notes:

* - Indicates a station which provides full time service to the entire loss area.

The entire loss area receives a minimum of 7 other full time services, with some portions receiving up to 16 other full time services.